

(1) Off-loading used or excess controlled substances or controlled products from a ship during servicing,

(2) Bringing controlled substances into the U.S. from Mexico where the controlled substance had been admitted into Mexico in bond and was of U.S. origin, and

(3) Bringing a controlled product into the U.S. when transported in a consignment of personal or household effects or in a similar non-commercial situation normally exempted from U.S. Customs attention.

*Importer* means any person who imports a controlled substance or a controlled product into the United States. "Importer" includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate:

- (1) The consignee;
- (2) The importer of record;
- (3) The actual owner; or
- (4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

*London Amendments* means the Montreal Protocol, as amended at the Second Meeting of the Parties to the Montreal Protocol in London in 1990.

*Montreal Protocol* means the Montreal Protocol on Substances that Deplete the Ozone Layer, a protocol to the Vienna Convention for the Protection of the Ozone Layer, including adjustments adopted by the Parties thereto and amendments that have entered into force.

*1987 Montreal Protocol* means the Montreal Protocol, as originally adopted by the Parties in 1987.

*Nations complying with, but not joining, the Protocol* means any nation listed in appendix C, annex 2, to this subpart.

*Party* means any foreign state that is listed in appendix C to this subpart (pursuant to instruments of ratification, acceptance, or approval deposited with the Depositary of the United Nations Secretariat), as having ratified the specified control measure in effect under the Montreal Protocol. Thus, for purposes of the trade bans specified in § 82.4(k)(2) pursuant to the London Amendments, only those foreign states

that are listed in appendix C to this subpart as having ratified both the 1987 Montreal Protocol and the London Amendments shall be deemed to be Parties.

*Person* means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.

*Plant* means one or more facilities at the same location owned by or under common control of the same person.

*Production* means the manufacture of a controlled substance from any raw material or feedstock chemical, but does not include:

- (1) The manufacture of a controlled substance that is subsequently transformed;
- (2) The reuse or recycling of a controlled substance;
- (3) Amounts that are destroyed by the approved technologies; or
- (4) Amounts that are spilled or vented unintentionally.

*Production allowances* means the privileges granted by this subpart to produce controlled substances; however, production allowances may be used to produce controlled substances only in conjunction with consumption allowances. A person's production allowances are the total of the allowances obtained under §§ 82.7, 82.5 and 82.9, and as may be modified under § 82.12 (transfer of allowances).

*Transform* means to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes.

*Transformation Credits* means those privileges that may be obtained under § 82.9 to produce controlled substances.

*Transshipment* means the continuous shipment of a controlled substance from a foreign state of origin through the United States, its territories, to a second foreign state of final destination, as long as the shipment does not enter into United States jurisdiction.

*Unexpended Article 5 allowances* means Article 5 allowances that have not been used. At any time in any control period